

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

MIKE MORGAN,

Plaintiff,

v.

A. ESPINOZA, et al.,

Defendants.

No. 2:23-CV-1955-DAD-DMC-P

ORDER

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983.

Pending before the Court is Plaintiff's motion for an extension of time to file an opposition to Defendant Espinoza's motion to dismiss. See ECF No. 33. Good cause appearing therefore based on Plaintiff's declaration indicating the need for additional time due to a recent separation from his legal material while he was on out-to-court status, Plaintiff's motion will be granted.

Also before the Court is Plaintiff's request for clarification. See ECF No. 30. Plaintiff seeks clarification as to whether this action is proceeding on the operative first amended complaint as against Defendant Espinoza. As Defendant Espinoza has been named in the first amended complaint, Plaintiff is informed that the current action proceeds against this defendant, who has been ordered served, who has waived service, and who has filed a motion to dismiss.

Accordingly, IT IS HEREBY ORDERED as follows:

1. Plaintiff's motion for an extension of time, ECF No. 33, is granted.
2. Plaintiff's opposition to Defendant Espinoza's motion to dismiss is due within 30 days of the date of this order.
3. The Clerk of the Court is directed to terminate ECF Nos. 30 and 33 as pending motions.

Dated: November 25, 2024



DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE